

### SUMMARY OF INCIDENT

INVESTIGATOR: <b>Detective Ruben Rivera Jr.</b>	CLASSIFICATION: <b>FORCE/ABUSE</b>	C.C.R.B. No. <b>946/84</b>
INCIDENT DATE & TIME <b>3/16/84 0045 hours</b>	REPORTED TO C.C.R.B. DATE & TIME <b>3/16/84 1012 hours</b>	

**PERSONS TO BE NOTIFIED:**

C O M P L A I N T	NAME § 87(2)(b)	STREET	CITY/BOROUGH	STATE	ZIP CODE
V I C T I M  (If Not Compl)	§ 87(2)(b)				
O T H E R	NONE				
A T T Y	NONE				

**WHO DOES ATTORNEY REPRESENT?**
**SUBJECT MEMBERS COMPLAINED OF:**

RANK	NAME	SHIELD NO.	CMD.	TAX REG. NO.	SERVICE TIME	ASSIGNMENT	RACE	ON DUTY (YES OR NO)
P.O.	Gary Fitzgerald	6164	13	875305	03	Patrol	W	Yes
P.O.	Edward Mullins	27816	13	876768	02	Patrol	W	Yes
P.O.	John J. Doyle	22875	13	863750	15	Patrol	W	Yes

**PREVIOUS C.C.R.B. CASES:**

NAME	C.C.R.B. NO.	DATE	CATEGORY	DISPOSITION
Complainant	No Prior			
Victim	No Prior			
P.O. Mullins	829	3/14/83	Force	Complaint Unav
	2620	7/28/83	Force	Victim Unav
	329	1/31/84	Force/Abuse	Concile
P.O. Fitzgerald	2526	8/28/82	Force/Disc	Complaint Unav
	1529	4/16/84	Force	
P.O. Doyle	1389	5/29/74	Force	Substantiated

**COMMUNICATIONS TO BE ANSWERED:**
 P.C. Brief

 Mayor's Office

 Other (specify) NONE

USE OTHER SIDE IF ADDITIONAL SPACE IS NEEDED

## REPORT OF INVESTIGATION OF CIVILIAN COMPLAINT

SHEET "A"

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Investigator Det. Ruben Rivera Jr.	Supervisor Captain James O'Neill
Date of Report 8/31/84	C.C.R.B. No. 946/84
Date and Time of Incident: 3/16/84 0045 hours	Classification Force/Abuse
Location of Incident: East 14th Street & 2nd Avenue	Date and Time Reported to C.C.R.B. 3/16/84 1012 hours
	Precinct: 13th

## ALLEGATIONS

ALLEGATIONS	SOURCE	APPENDIX ENCLOSURE NO.
A- Plainclothed Police Officers with guns drawn, punched, kicked and struck the victim with their guns. One of the Officers placed the barrel of his gun in the victim's mouth.	245	1
B- Plainclothed Police Officer pointed his gun at the complainant.	245	1

## COMPLAINANT(S)/VICTIM(S)

NAME	ADDRESS	SOURCE	APPENDIX ENCLOSURE NO.
§ 87(2)(b)			
§ 87(2)(b)			

## WITNESSES (For Complainants &amp; Members of Department)

NAME	ADDRESS	SOURCE	APPENDIX ENCLOSURE NO.
§ 87(2)(b)			
§ 87(2)(b)			

## SUBJECT OFFICER(S)

RANK	NAME	SHIELD NO.	TAX REG. NO.	COMMAND
P.O.	Gary Fitzgerald	6164	875305	13th
P.O.	Edward Mullins	27816	876768	13th
P.O.	John J. Doyle	22875	863750	13th

## REPORT OF INVESTIGATION OF CIVIL COMPLAINT

IN COMPLAINT

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## SUMMARY OF INVESTIGATIVE ACTIONS

## INTERVIEW OF COMPLAINANT(S)

C.C.R.B. No. 946/84

NAME	DATE OF INTERVIEW	MODE OF INTERVIEW	APPENDIX ENCLOSURE NO.
§ 87(2)(b) [REDACTED]	7/4/84	Person	2,3,4
§ 87(2)(b) [REDACTED]	3/20/84	Person	5,5a,6

## INTERVIEW OF WITNESS(ES)

NAME	DATE OF INTERVIEW	MODE OF INTERVIEW	APPENDIX ENCLOSURE NO.
§ 87(2)(b) [REDACTED]	7/4/84	Person	7,8,9
§ 87(2)(b) [REDACTED]	Not Interviewed		24

## INTERVIEW OF SUBJECT OFFICER(S)

RANK/NAME	DATE OF INTERVIEW	MODE OF INTERVIEW	APPENDIX ENCLOSURE NO.
P.O. Gary Fitzgerald	6/22/84	Person	10 thru 13
P.O. Edward Mullins	6/29/84	Person	14,15
P.O. John J. Doyle	6/29/84	Person	16,17

## CANVASS FOR WITNESS(ES)

DATE	RESULTS	APPENDIX ENCLOSURE NO.
3/26/84	No additional witnesses	24

## RECORDS REQUESTED/RECEIVED

## RECORD REQUESTED (Specify Type)

Arrest Report  
 Auto Voucher  
 UF 61  
 Radio Incident Report  
 Medical Records

## RECEIVED

YES  NO YES  NO

§ 87(2)(b)

§ 87(2)(b) stated that he observed an unmarked auto with three white males who were later identified as Police Officers Gary Fitzgerald, Edward Mullins and John Doyle blocked the right of way with their car of a white male who had been waiting for a traffic light at 14th Street & 2nd Avenue. They approached the auto with their guns drawn, began to punch the male while inside the auto and then dragged him out of the auto and threw him to the ground. While on the ground the three officers began to kick him and one of the officers placed the barrel of his gun inside the male's mouth. When § 87(2)(b) objected, one of the officers pointed his gun at him and told him to leave the area.

§ 87(2)(b)

§ 87(2)(b) the victim stated that he was taken out of his auto and thrown to the ground where he was struck. He could not remember how he was struck.

## BACKGROUND INFORMATION

On March 16 1984, Police Officers Gary Fitzgerald shield 6164, Edward Mullins shield 27816 and John J. Doyle shield 22875 performed a 1625x0100 tour assigned Anti Crime detail within the confines of the 13th Precinct, in unmarked auto 8125.

At 0105 hours Police Officer Fitzgerald placed one § 87(2)(b)  
a male white § 87(2)(b) years old of § 87(2)(b) under  
arrest in the vicinity of 14th Street & 2nd Avenue for § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

(arrest § 87(2)(b)) • § 87(2)(g)

## ALLEGATION (A)

## SUMMARY OF INVESTIGATION

C.C.R.B. No. 946/84

PLAINCLOTHED POLICE OFFICERS WITH GUNS DRAWN, PUNCHED, KICKED AND STRUCK THE VICTIM WITH THEIR GUNS. ONE OF THE OFFICERS PLACED THE BARREL OF HIS GUN IN THE VICTIM'S MOUTH.

§ 87(2)(b) [REDACTED] stated that he saw one of the Officers' (later identified as P.O. Fitzgerald) slap and punch § 87(2)(b) repeadetly through the window of his auto as he sat in it. § 87(2)(b) was then taken out of the auto, thrown to the ground, kicked and struck by the Officers with their guns. One of them, § 87(2)(b) could not identify who placed the barrel of his gun in § 87(2)(b)'s mouth as he laid on the ground. (enclosures 2,3,4)

§ 87(2)(b) [REDACTED] stated that after the Officers ordered § 87(2)(b) out of the car, he refused. One of the Officers grabbed him through the window of the car and removed him from it. He was then thrown to the ground face up and one of the officers straddled him and placed the barrel of his gun in § 87(2)(b)'s mouth. § 87(2)(b) [REDACTED] stated that he did not see the Officers punch, kick or strike § 87(2)(b) with their guns. (enclosure 8,9)

§ 87(2)(b) [REDACTED] stated that he was removed from his auto, thrown to the ground and struck. However, he could not remember who struck him or how he was struck. § 87(2)(b) [REDACTED] alleged he received two bruised eyes and a small cut in back of his head. He went to his private Physician for treatment three days after the incident. § 87(2)(g) [REDACTED]

§ 87(2)(g)

(enclosure 4,5,5a)

Officer Fitzgerald stated that after § 87(2)(b) [REDACTED] refused to come out of the car when ordered to, he attempted to roll up the window. Officer Fitzgerald managed to stick his arm through the window and grab § 87(2)(b)'s nostrils with his fingers. He was then able to open the door and remove him from the car. As he tried to place him under arrest, § 87(2)(b) [REDACTED] began to struggle and shove. Officer Fitzgerald had to throw § 87(2)(b) [REDACTED] to the ground and with the aid of his partner, he was then able to handcuff § 87(2)(b) [REDACTED]. He denied kicking, punching or striking him with his gun. Officer Fitzgerald indicated that he did not draw his gun and denied placing the barrel of his gun in his mouth. (enclosure 11,12)

Officer Mullins § 87(2)(g) [REDACTED] denied the allegations and stated that he did not draw his gun.

(enclosure 14,15)

Officer Doyle stated that he was not able to exit the auto initially because he had difficulty in opening his door. By the time he got out of the auto, § 87(2)(b) [REDACTED] was already handcuffed.

(enclosure 16,17)

Officer Doyle is supported by Officer Mullins.

(enclosure 15)

## ANALYSIS/FINDING (Omit Recommendations)

## ALLEGATION A-

§ 87(2)(g) [REDACTED]

§ 87(2)(g)

## REPORT OF INVESTIGATION OF CIVILIAN COMPLAINT

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ALLEGATION (B)

## SUMMARY OF INVESTIGATION

C.C.P.B. No. 946/84

PLAINCLOTHED OFFICER POINTED HIS GUN AT THE COMPLAINANT.

§ 87(2)(b) [REDACTED] stated that when he objected at the manner in which § 87(2)(b) [REDACTED] was allegedly being treated, one of the officers whom he could not identify pointed his gun at him and told him to leave.  
(enclosure 4)

Mr. Petrucci is supported by Mr. Bailey.  
(enclosure 9)

§ 87(2)(b) [REDACTED] could not remember if the officers had their guns drawn.  
(enclosure 5a,24)

Officers Fitzgerald, Mullins and Doyle denied the allegation. They stated that they did not draw their guns.  
(enclosure 11,12,15)

## ANALYSIS/FINDING (Omit Recommendations)

ALLEGATION B- § 87(2)(g) [REDACTED]

§ 87(2)(g)  
[REDACTED]

## REPORT OF INVESTIGATION OF CIVILIAN COMPLAINT

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ADDITIONAL REMARKS/COMMENTS (If Necessary)

C.C.R.B. No. 946/84

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that one of the Officers punched § 87(2)(b) as he sat in his car initially. He also stated that once taken out of the car, he was subjected to repeated kicking as well. § 87(2)(g)  
 § 87(2)(b), § 87(2)(g)

§ 87(2)(b) He stated that he did not see any officer kick or punch § 87(2)(b)

(enclosures 8,9)

Regarding allegation B, § 87(2)(b) stated that § 87(2)(b) was thrown to the ground face up. An officer then straddled him and placed the barrel of his gun in the mouth of § 87(2)(b) § 87(2)(g)  
 § 87(2)(b), § 87(2)(g)

§ 87(2)(g) According to him, this is why he was not able to see who struck him or how. § 87(2)(b)  
 § 87(2)(b), § 87(2)(g)

(enclosure 5a,24)

In a further effort to support allegation B as described by the witnesses, the Investigator several times asked the victim § 87(2)(b) if the officers had used their guns on anyone including himself, in an unusual manner. § 87(2)(b) could not remember any such situation taking place.

(enclosure 5a,24)

§ 87(2)(b) alleged he received injuries to the extent of two bruised eyes and a small cut in back of his head as well as having his shirt bloodied. § 87(2)(g)

the officers who stated that § 87(2)(b) was not injured, did not request any medical aid and was not bleeding at the time of his arrest.

## SUMMARY OF FINDINGS AND RECOMMENDATIONS

ALLEGATION	CLASSIFICATION				FINDINGS AND RECOMMENDATIONS
	F	A	D	E	
A					

TOTAL ENCLOSURES

INVESTIGATOR'S SIGNATURE

SUPERVISOR'S SIGNATURE

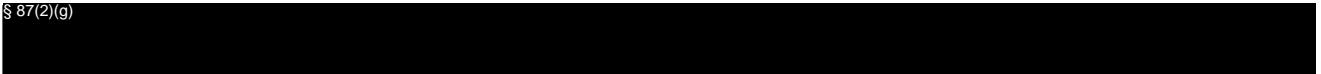
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He further stated that he saw his private Physician three days after the incident for treatment and had photographs taken also.  
 (enclosure 5a)

A medical report requested from his Doctor, nor the photographs allegedly taken were made available to this office, despite efforts made to obtain them. § 87(2)(b) showed no injuries at the time of his interview four days after the incident.

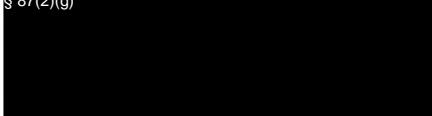
(enclosures 5,23,24)

§ 87(2)(g)



The additional witness § 87(2)(b) declined to be interviewed by this office according to § 87(2)(b)  
 (enclosure 24)

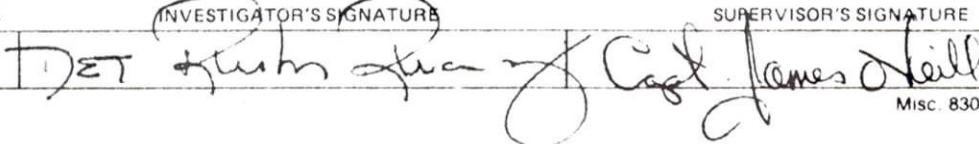
## SUMMARY OF FINDINGS AND RECOMMENDATIONS

ALLEGATION	CLASSIFICATION				FINDINGS AND RECOMMENDATIONS
	F	A	D	E	
A	*				§ 87(2)(g) 
B	*				

TOTAL ENCLOSURES

24

INVESTIGATOR'S SIGNATURE



SUPERVISOR'S SIGNATURE

MISC. 830-E (Rev. 1-80)